

Senate Joint Resolution No. 15

Adopted in Senate August 20, 2009

Secretary of the Senate

Adopted in Assembly June 21, 2010

Chief Clerk of the Assembly

This resolution was received by the Secretary of State this
____ day of _____, 2010, at ____ o'clock ____M.

Deputy Secretary of State

RESOLUTION CHAPTER _____

Senate Joint Resolution No. 15—Relative to public health laboratories.

LEGISLATIVE COUNSEL'S DIGEST

SJR 15, Alquist. Public health laboratories.

This measure would encourage the Centers for Medicare and Medicaid Services to amend the Clinical Laboratory Improvement Amendments regulations to, and the Congress and the President of the United States to enact legislation that would, allow qualified nondoctoral, nonboard certified persons to serve as laboratory directors of local public health laboratories, if they are qualified to direct those laboratories under the law of the state in which the laboratory is located, with the express goals of ensuring adequate local public health laboratory support for response to communicable disease events, ensuring an adequate supply of local public health laboratory directors, and ensuring protection for the balance of the nation by increasing national security through adequate disease identification. This measure would encourage specified federal entities to also encourage CMS and the Congress and President of the United States to accomplish these goals in this manner.

WHEREAS, The federal Centers for Medicare and Medicaid Services (CMS) has adopted the Clinical Laboratory Improvement Amendments (CLIA) regulations related to laboratory director qualifications that are unreasonable for the California local public health laboratory system and have led to the closure of needed local public health laboratories in California; and

WHEREAS, CMS fails to recognize the unique responsibility and authority of local public health laboratories in response to disasters, both naturally occurring and man made; and

WHEREAS, The California local public health laboratory system has been recognized internationally for decades, is considered exemplary in quality of service and accuracy of testing, has responded to both naturally occurring and manmade disasters, and has protected California's citizens for decades; and

WHEREAS, The California local public health laboratory system is an important element of the public health system that forms the triad, along with law enforcement and fire officials, in protecting our communities; and

WHEREAS, California's many immigration gateways, without adequate local public health laboratory resources, can be an entry point for the spread of infectious diseases with potential national impact; and

WHEREAS, The loss of local public health laboratory support in any community creates a national security concern that must not be ignored; and

WHEREAS, Congresswoman Doris Matsui has drafted federal legislation to provide states with the authority to permit local public health laboratories to operate in accordance with minor changes in CLIA language regarding laboratory director qualifications; and

WHEREAS, The California Conference of Local Health Officers, the California Association of Public Health Laboratory Directors, and the County Health Executives of California have all requested administrative relief from the onerous regulation without success; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California encourages CMS to amend the CLIA regulations to, and the Congress and the President of the United States to enact legislation that would, allow qualified nondoctoral, nonboard certified persons to serve as laboratory directors of local public health laboratories, if they are qualified to direct those laboratories under the law of the state in which the laboratory is located, with the express goals of ensuring adequate local public health laboratory support for response to communicable disease events, ensuring an adequate supply of local public health laboratory directors, and ensuring protection for the balance of the nation by increasing national security through adequate disease identification; and be it further

Resolved, That the Legislature of the State of California encourages the federal Secretary of Health and Human Services, the Department of Homeland Security, and other relevant federal regulatory authorities to encourage CMS to amend the CLIA regulations, and the Congress and President of the United States to enact legislation, to accomplish these policy goals in this manner; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

Attest:

Secretary of State